

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION

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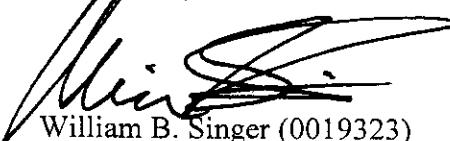
MILDRED W FINCH et. al. : Case No. C-1-02-132
Plaintiffs : (Judge Beckwith)
V. :
GEORGE FIORINI, et al. : MOTION FOR LEAVE
Defendants : TO FILE A RESPONSE TO THE
REPLY MEMORANDUM IN
SUPPORT OF MOTION OF
DEFENDANT SANITEC LTD TO
DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT

Plaintiffs hereby move for leave to file a response to the Reply Memorandum in Support of Motion of Defendant Sanitec Ltd. to Dismiss Plaintiffs' Second Amended Complaint (Docket No. 94) filed herein on January 5, 2004.

MEMORANDUM

The reply memorandum to which Plaintiffs seek leave to respond contains new arguments and authorities not previously raised by the movant which require response by Plaintiffs. A copy of a proposed responsive memorandum is attached hereto.

Respectfully submitted,



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Trial Attorney for Plaintiff
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CERTIFICATE OF SERVICE

I certify that copies of the foregoing memorandum was served by ordinary mail ; Patrick J. Hanley, Esq. attorney for Steven R. Ventre and Guardian Investments LLC, 214 E. 4TH Street Covington, Kentucky 41011 and Dan L. Makee and David B. Cupar, McDonald Hopkins Company LPA, 2100 Bank One Center, 600 Superior Avenue East, Cleveland Ohio 44114-2653 and upon Richard J. Oparil Esq. Counsel of record for Sanitec Ltd. Patton Boggs LLP, 2250 M. Street NW, Suite 500, Washington DC, 20037-1350, counsel of record for defendant Sanitec Ltd., on the 12th day of January, 2004.

